No. 532

IN THE

Supreme Court of the United States

OCTOBER TERM, 1936

UNITED STATES OF AMERICA,

Petitioner,

AGAINST

MORGAN BELMONT and ELEANOR R. BELMONT, as executors of the Last Will and Testament of August Belmont, deceased,

Respondents.

ON WRIT OF CERTIORARI TO THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE SECOND CIRCUIT

BRIEF FOR DAY-GORMLEY LEATHER COMPANY, AS AMICUS CURIAE

BORRIS M. KOMAR,
Counsel for Day-Gormley Leather Company, as Amicus Curiae.

JEFFREY PRESS, INC., N. Y. C.

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Supreme Court of the United States

OCTOBER TERM, 1936.

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UNITED STATES OF AMERICA,

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against

MORGAN BELMONT and ELEANOR R. BELMONT, as executors of the Last Will and Testament of August Belmont, deceased,

Respondents.

Brief for Day-Gormley Leather Company, as Amicus Curiae.

Statement.

This brief is filed with the consent of all the parties to this appeal.

Day-Gormley Leather Company is a Massachusetts corporation. It has an appeal now pending in the United States Circuit Court of Appeals for the Second Circuit against the National City Bank of New York in an action involving sums deposited by said Day-Gormley Leather Company with the former Petrograd branch of said bank. One of the principal defenses of the bank in said action is the reliance upon the confiscatory decrees of the Soviet Government arbitrarily appropriating defendant's Russian funds alleged to include the plaintiff's deposit.

The Question Considered.

The sole question involved upon this appeal is whether or not our Courts should enforce the penal and confiscatory statutes of the Soviet Government. It is approached both from the standpoint of international law and the public policy of the United States.

The Brief.

In the appeals recently heard by this Honorable Court in which the United States of America was petitioner and Bank of New York & Trust Company, President and Directors of the Manhattan Company and Louis H. Pink were respective respondents (October Term, 1935, Nos. 195, 196 and 197), a brief was filed by this counsel discussing only the question of the legal effect here of Russian confiscatory decrees. Except for the decision in this case by the United States Circuit Court of Appeals for the Second Circuit, no new cases were decided and no new authorities were found.

The above appeals involved, besides said question, the question of the jurisdiction of the Federal Courts. This Honorable Court decided said appeals upon the sole question of jurisdiction (296 U. S. 463).

To avoid the reprinting of an identical brief, this Honorable Court is respectfully referred to the brief amicus curiae filed in Nos. 195, 196 and 197 for October Term, 1935.

Respectfully submitted,

BORRIS M. KOMAR,
Counsel for Day-Gormley Leather Company, as Amicus Curiae.